**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

PS – PR&RD Deptt., - Allegations of irregularities in the execution of work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th Finance, RIAD" in Rajamundry Division, East Godavari District - Departmental proceedings initiated against Sri P. Prabhakar Reddy, the then Superintending Engineer, Panchayat Raj, Kakinada, East Godavari District and Chief Engineer (Retired) – Charges proved in the regular inquiry conducted by the Commissioner of Inquiries - Enquiry report communicated – Explanation submitted - Imposing a punishment of 25% cut in monthly pension permanently besides recovery of Rs.14,29,246/- at bank rate + 2% as per Article 300 of A.P. Finance Code, Volume - in lumpsum, without prejudice to the criminal case (CBCID) pending against the individual - Orders – Issued.

-- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

**PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT**

**G.O.RT.No. 635** **Dated: 10-11-2020**

**Read the following:**

1. From DG, GA (V&E) Deptt., Vigilance Report No.107 (954 / V&E/E2/2009-2), dt.17.12.2012.
2. Govt.Memo.No.1108/Vig.II/A2/2013-1, PR&RD (Vig.II) Deptt., dt.23.3.2013.
3. From ENC, PR, Hyderabad, Lr.No.Vig.II(2)/3159/2013, dt.10.04.2013.
4. G.O.Rt.No.1002, PR&RD (Vig.II) Deptt., dt.22.6.2013.
5. From Sri P.Prabhakar Reddy, the then SE, PR, WSD, Dt.25.07.2013.
6. G.O.Rt.No.1147, PR&RD (Vig.I) Deptt., Dt.17.12.2014.
7. Govt. Memo No. 1108/Vig.I/2013, PR&RD (Vig. I) Dept., Dt: 20.2.2015.
8. From Dr.Prem Chand, COI, Member, GA (COI) Department, D.O.Lr.No.52/ COI.P /2015, Dt. 05.11.2016.
9. Govt.Memo.No.1108/Vig.I/2013, PR&RD (Vig.I) Deptt., Dt.13.07.2017.
10. From Sri P.Prabhakar Reddy, the then SE, PR and retd. as CE, PR, Explanation, Dt.12.09.2017.
11. Govt. Memo No. 1108/Vig.I/2013, PR&RD (Vig. I) Dept., DT: 24.07.2018.
12. Representation from Sri P.Prabhakar Reddy, the then Superintending Engineer, Panchayat Raj and retd. CE, PR, dt: 24.09.2018.
13. Govt. Letter No.1108/Vig. I/2013, PR&RD (Vig.I) Dept., dt: 18.01.2019.

P.T.O.,

14. From the Secretary, APPSC, Letter No. 132/DC&C/2019, dt:31.01.2019.
15. From Sri P. Prabhakar Reddy, C.E (Retd.), representation dt: 02.11.2019.
16. Govt. Letter No. 1108/Vig. I/2013, PR&RD (Vig.I) Dept., dt: 05.08.2019.
17. From the Secretary, APPSC, Letter No. 132/DC&C/2019, dt:07.10.2020.

* * * * *

ORDER :

Based on the Vigilance & Enforcement Report received in the reference 1st read above, relating to allegations of irregularities in the execution of work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th Finance, RIAD" taken up by PR Engineering Deptt., in Rajamundry Division, East Godavari District, Government, among others, have initiated disciplinary proceedings duly framing following article of charge against Sri P.Prabhakar Reddy, the then Superintending Engineer(PR), Kakinada with a direction to submit his written statement of defence, vide reference 4th read above.

**Charge** :

That, Sri P.Prabhakar Reddy, the then Superintending Engineer, PR, Kakinada, EG Dist has misused his official position for his personal gain and committed the following allegations of irregularities in the execution of the work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th Finance, RIAD" resulting loss to the Govt., in contravening the APCS (Conduct) Rules, 1964.

**i.** Recommended for departmental execution and Failed to follow the procedure in execution of the work as instructed by the Govt.

**ii.** Violated the financial powers limitations in invitation of quotations and finalized the quotations worth Rs. 1,42,15,248/- which is much more than the powers vested with him and no procedures were followed in invitation of quotations.

**iii.** Work order was issued for finished items of works which is against the procedure of departmental execution.

**iv.** Issued orders for making payments as per revised estimated rates instead of approved quotation rates

Contd..P.3.,

thereby causing excess payment of Rs.14,29,246/- and procedures were not followed in invitation of quotations.

**v.** Contract agreement is not entered with the material supplier though the value of the work order is Rs.1,42,15,248/- at his whims and fancies and in collusion with the material supplier.

2. In the reference 5th read above, the Charged Officer Sri P. Prabhakar Reddy, the then S.E, PR, East Godavari District has submitted his written statement of defence.

3. Government have not satisfied with the Written Statement Defence submitted by Charged Officer and decided to conduct regular inquiry into the matter against the charged officer Sri P. Prabhakar Reddy, the then S.E, PR, Kakinada and Chief Engineer (Retired) including other three (3) co-charged officers involved in the case. Accordingly, in the reference 6th read above, Government, among others, have entrusted the case to the Commissioner of Inquiries and appointed Dr.Prem Chand, COI, Member, General Administration (COI) Department as the Inquiring Authority , to conduct Inquiry into the matter.

4. Further, as per the recommendations of the DG, V&E for initiating stringent disciplinary action coupled with criminal prosecution in respect of Sri P. Prabhakar Reddy, the then S.E, PR and C.E, NABARD (Retd.), Government have also decided to handover the case to CBCID for thorough investigation, even though the case entrusted to C.O.I. Accordingly, in the reference 7th read above, Government have accorded permission to the ENC,PR to lodge a comprehensive complaint with CID and the SE, PR, Kakinada was appointed as Nodal Officer to assist the Investigating Officer in connection with investigation of the case. The DG, and IGP/ Addl.DGP (CID), Hyderabad were requested therein to register the case and to investigate on the basis of complaint being lodged by the ENC,PR and furnish the detailed report to Government in the matter. The same is awaited.

5. In respect of departmental proceedings case, in the reference 8th read above, the Inquiring Authority has furnished inquiry report wherein the Inquiry authority has held that the charge framed against Sri P.Prabhakar Reddy, the then Superintending Engineer, Panchayat Raj, Kakinada, East Godavari Dist, are held proved.

6. In the reference 9th read above, Government have communicated the copy of inquiry report to the Charged Officer Sri P.Prabhakar Reddy, the then S.E, PR, Kakinada, E.G. District (retired Chief Engineer, PR) directing to submit his representation, if any on the findings of the inquiry report for taking further action.

P.T.O.,

7. In the reference 10th read above, the charged officer has submitted his explanation, stating that the Inquiring Authority given findings on the other co-charged officers holding that charges are not proved against them, whereas in his case, the Inquiring Authority held that charge is proved. Therefore the said Enquiry Report is defective in nature. Apart from the above, the entire disciplinary proceedings are liable to be dropped on the ground of inordinate delay in concluding the same and requested to consider his case sympathetically and drop the proceedings against him.

8. Government after careful examination of the matter and having not satisfied with explanation submitted by Charged Officer, have provisionally decided to impose a punishment of 25% cut in monthly pension permanently besides recovery of Rs.14,29,246/- on Sri P.Prabhakar Reddy, the then S.E, PR, East Godavari Dist., and retired Chief Engineer (PR) under Rule 9 of Andhra Pradesh Revised Pension, 1980.

9. Accordingly, in the reference 11th read above, Government have communicated the provisional decision to the charged officer directing to submit his representation, if any on the above provisional decision.

10. In the reference 12th read above, the charged officer Sri P.Prabhakar Reddy, the then S.E, PR and retired C.E (PR) has submitted representation stating that the inquiry report is not in accordance with rules. Further the entire disciplinary proceedings is also liable for dropped on the ground of inordinate delay. He being a local candidate of Telangana State and his pension is being paid by the State of Telangana Government, the State of Andhra Pradesh cannot impose any penalty against him. He has requested to consider the same and drop all further proceedings against him.

11. Government have examined the contentions of the charged officer and observed the following :

(i) The charge framed against the charged officer was held proved in the regular inquiry conducted by the Commissioner of Inquiries. Hence, he cannot escape the consequences from the imposition of suitable penalty besides recovery loss caused to the Government for the misconduct committed by him in execution of the work "Providing road from Boduluru to Nukaletiwada via Checkawada & Potlawada under 12th Finance, RIAD" and causing pecuniary loss caused to the Government, in the matter.

(ii) that the Charged Officer Sri P. Prabhakar Reddy, was held the post of Superintending Engineer, PR, Kakinada, East Godadvari Distrit during the relevant

Contd..P.5.,

period of occurrence of irregularities and later he was promoted as Chief Engineer, PR and retired from service on 31.7.2013 ie., before bifurcation of the A.P. State. The incident was occurred in East Godavari District which is geographically within the Andhra Pradesh State. As such, the Government of Andhra Pradesh are authority competent to impose penalty against the Charged Officer.

(iii) Further, in G.O.Ms.No.121, Dt: 22.5.2014 of Finance (BG.III) Department orders were issued on apportion of Pension liability as per AP. Reorganization Act, 2014 and according to Category – I : Pre-bifurcation, the pension allocable between the successor States of A.P and Telangana in the ratio of 58.32 : 41.48 and the same is applicable to all types of service pension who retired upto 01.06.2014. As such, his request to transfer his case to Government of Telangana merely because he is drawing pension in Telanganag State is not tenable.

(iv) Further, the Charged Officer also filed O.A.NO. 2117/2018 in the case before the A.P. Administrative Tribunal on the ground of inordinate delay and A.P. Government have no jurisdiction to impose punishment on him. The O.A was dismissed on 24.10.2018 as withdrawn.

12. Therefore, it is considered that the representation of the Charged Officer devoids any merits and decided to proceed further. Accordingly, in the reference 13th read above, the Secretary, A.P. Public Service Commission was requested to obtain the concurrence of the Commission for imposing the punishment of 25% cut in monthly pension permanently besides recovery of Rs.14,29,246/- on Sri P.Prabhakar Reddy, the then S.E, PR and C.E (PR)(Retd.) and to communicate the same to Government for taking further action in the matter.

13 Further, on the clarification sought by the Secretary, A.P. Public Service Commission vide letter 14th red above, the Government vide reference 16th read above have informed the Secretary, APPSC that, besides recovery of Rs.14,29,246/- and above penalty, the charged officer is also liable for recovery of interest as per the Amendment to the Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI + 2%.

P.T.O.,

14. In the reference 17th read above, the Secretary, A.P. Public Service Commission has communicated their concurrence of the Commission.

15. Accordingly, the Government after careful examination of the entire matter, hereby impose the penalty of 25% cut in pension permanently against Sri P. Prabhakar Reddy, former Superintending Engineer, PR, Kakinada, East Godavari District and retired Chief Engineer, (PR) besides recovery of Rs.14,29,246/- at bank rate + 2% as per Article 300 of A.P. Finance Code, Volume-I in lumpsum in the departmental proceedings case. The above penalty and recovery is without prejudice to the criminal case (ie., CBCID case ) pending against the individual.

16. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Prabhakar Reddy, former Superintending Engineer, PR, Kakinada, East Godavari Dist,. and retired Chief Engineer (PR)
**through** Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada (with a request to serve the copy to the individual and communicated the dated acknowledgment copy to Govt.).

**Copy to:**

The Secretary to VC, A.P. Vigilance Commission, Velgapudi.
The Secretary, A.P.Public Service Commission, Vijayawada.
The P.R. & R.D (Estt.I )Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER